

The Humble Address of the Heirs, Executors, Administrators and Assigns of Sir William Courten and Sir Paul Pyndar, late of London, Knights; and William Courten Esq; Deceased, together with their Creditors and Legatees, and other Proprietors and Adventurers with them to the East-Indies, China and Japan, Faithfully represented to both Houses of Parliament, Prorogued to the 26th. of January 1679.

Manifesteth,

I. **T**HAT in contemplation of the many and great Services and Sufferings of the said Sir William Courten and Sir Paul Pyndar for the Crown of England, in the times of King James, and King Charles the First, his Majesty that now is, was most graciously pleased in the year 1661, upon the Humble Petition of the Proprietors and other persons interested in this Address, to recommend their Just Debts, Damages and Demands from the East-India Company of the Netherlands, and other Inhabitants of Holland and Zealand to the States General for satisfaction and reparation, more especially for the spoils of the two Ships the *Bona Esperanza* and *Henry bona aventura* of London with their Lading, upon Trading Voyages on the Coast of India in a time of Peace.

Sir William Courten the first Discoverer, Planter, and Fortifier of the Island Barbadoes at his own proper Costs and Charges, to the value of 28000 l. sterl. in the years 1627. and 1628. taken from him, against all natural Right and Property.

II. That in pursuance thereof several Memorials were given by Sir George Downing, Envoy Extraordinary from his Majesty to the said States at the Hague, and so insisted upon by his Majesty and chief Ministers of State at White Hall in conferences with the Embassadors Extraordinary from the States General, that it was Covenanted and agreed by the XV. Article of the Treaty concluded at Westminster in the Year 1662, that Satisfaction and Reparation should be made for the said two Ships and their Lading, to the persons interested and injured, according to the Proofs made in the Court of Admiralty.

III. Whereupon several Orders of the Council Board were sent to Sir George Downing, to require a speedy and exact performance of the said Article, who with the Proprietors used their endeavours for the space of two Years in vain, the East-India Company of the Netherlands refusing to be brought to any Account for the said Spoils and Damages, notwithstanding the Express Agreement in the said Treaty.

IV. Then the persons interested made fresh applications in the year 1664: to the King by Petition for Letters of Reprisal, according to due form of Law; who referred the whole matter to Dr. Exton Judge of the Admiralty, Sir Robert Wiseman his Majesties Advocate General, and Sir William Turner, Advocate to his Royal Highness; whereupon a Report was made, that the Damages arising by the said Spoil did amount unto the Sum of 151612 l. sterl. Then a Warrant was directed to them to prepare a Bill fit for his Majesties Royal Signature;

ture, wherein two special Clauses for continuation of the Grant were contained, the substance whereof are as follows, viz.

N. B. That Sir Edmond Turnor his Name being used in trust for other persons, he never Acted therein, but leaves the Execution of the Letters Patents to the Persons concerned.

V. And further we do hereby Declare, That it is Our Will and Pleasure, that this our Commission shall remain in full force and power, to all intents and purposes untill the said Sir Edmond Turnor and George Carew their Executors, Administrators and Assigns, shall by virtue thereof have taken, seized and recovered from the States General and their Subjects the Summ of One Hundred Fifty One Thousand, Six Hundred and Twelve Pounds Sterling, or shall otherwise receive Satisfaction of the said Debt by Composition with the East-India Company of the Netherlands, notwithstanding any Treaty of Peace whatsoever, hereafter to be made between the King and the States General.

VI. And further Our Will and Pleasure is, That this Our Commission shall remain and be in full force and power to the said Sir Edmond Turnor and George Carew their Executors, Administrators and Assigns by virtue thereof to apprehend, seize and take so many more of the Ships and Goods of the States General, or their Subjects, as beside the said Summ before mentioned shall countervail, satisfy and pay all such Costs and Charges as shall from time to time be laid out and expended concerning the same: A perfect Copy of the Patent at large being hereunto annexed.

VII. That the Lord Chancellor Hyde being made Privy to all the Transactions and Proceedings in this Affair desired a Conference with Sir Jeoffry Palmer his Majesties Attorney General, and Sir William Turner together, concerning those two Clauses aforesaid, before they passed under the great Seal of England. Then Dr David Budd attended at the said Conference with a Precedent under the Great Seal of England against the Spaniards in a Case of the like Nature concerning a Spoil and Depredation upon the Ships and Goods of Mr. Pawley and other English Merchants.

VIII. After long debate of the said matter, the Lord Chancellor Hyde was fully satisfied, that it was very consistent with the Laws of Nations, and the Laws and Statutes of England for those two Clauses to pass in the said Grant for Reprisals, as they were worded for a Debt so ascertained upon a spoil. It being practicable in all times of Peace and Common Amity between Princes and States to put Letters of Reprisal in Execution. And that the States General and the East-India Company of the Netherlands were more particularly Obligated to take Notice of the continuation thereof, being often admonished of the same before hand.

IX. That nevertheless a seeming suspension was made of the executory part of the said Patent by the Treaty at Breda in the year 1667, before any satisfaction or reparation was recovered or received by the Proprietors or persons interested, who did forbear *pro tempore* to put the said Patent in execution, until a more seasonable time and opportunity might offer. The States continuing in Wars and Troubles with other Nations and Kingdoms, and Traded in English Bottoms, or under the Colour of the King of Great Britains Allies.

X. That in the year 1671. new Differences being arisen between the KING and the States General, the persons Interested in this Humble Address, Exhibited their Petitions *de novo* to his Majesty in Council, for Satisfaction and Reparation in the Premises, whereupon a Reference was made by Order of the Council Table, to a select Committee of Lords of his Majesties most Honourable Privy Council, to consider thereof, and to Report their Opinion what was fit for his Majesty to do therein, (for the Petitioners Relief;) who Reported; that in this Case, concerning the Spoil of the two Ships aforesaid, the only

ly Debt so Liquidated and confirmed under the Great Seal of *England*. It was just and seasonable for his Majesty to insist upon intire Satisfaction and Reparation for the same, from the States General and their Subjects, notwithstanding the Treaty at *Breda*; as by the Original Report, Signed the 29. of *June* 1672. ready to be produced appears.

XI. That in pursuance of the said Report, his Majesty was graciously pleased to Order in Council, that special Instructions should be sent to the Lords Plenipotentiaries and Embassadors, Treating with the *French King* and States General, to insist upon Satisfaction and Reparations accordingly. And further his Majesty (reflecting upon all those circumstances he lay under in this Case) sent his Letters Express under his Sign Manual, to the said Lords Plenipotentiaries, intimating to them, that in any Treaty or Treaties which might happen to be made with the States General of the *United Provinces*, Provision should be made for satisfaction of the said Debt and Damages, farther signifying that in this Case, his Majesties Care should be to protect his Subjects, in their Just Rights, as well as to assist them in the Recovery thereof.

XII. That soon after, in the year 1673. A separate Peace was made at *London*, between the King and the States General, whereby the Treaty at *Breda* was confirmed, with all former Treaties (excluding *France*) in Consideration of *Eight hundred thousand Patacoones* to be paid to his Majesty, at four yearly payments by the States General, without any other notice taken of Satisfaction or Reparation for the *Bona Esperanza* and *Henry Bona Adventura* or any of the Orders, Reports, Instructions or Letters Patents, wherein his Majesties Justice and Honour are so often repeated.

XIII. Then several of the Proprietors and Interessed, made new Applications to the King and States General, on behalf of themselves and many Families of Orphans and Widdows concerned therein, for some proportion of the *Patacoons*, towards Reparation of the said Debt and Damages, but answer was made them, that the States of *Holland* and two *English* Ministers of State, had procured the Earl of *Darby*, Lord High Treasurer of *England*, to move his Majesty to Assign 600000 of the *Patacoones* to the *Prince of Orange*, upon account of an old Debt contracted in *Holland* by *Prince Henry Frederick*, for the late King *Charles* (the said *Patacoons* continuing at Interest in the States Hands) the other 4th. part of the *Patacoons* being ordered to be received by *Alderman Backwel*, towards Repairs of *Windsoor Castle*, and other services, so the *Bona Esperanza* and *Henry Bona Adventura* were left in statu quo, without any regard or consideration had of the Seven Millions of pounds *Sterling*, raised by Parliament, upon account of the Subjects Reparation, whereof a Months Tax of 120902 l. 15 s. 8 d. was granted to the Duke of *York*, for his Heroick Courage and Conduct at Sea, and 30000 l. to the Kings Guards, or of all the Prizes taken by the Kings Ships, or the Money Granted for the Princess of *Orange* her Dowry, or of the Tenths of 1500 *English* Sips (*Dutch* Prizes in the last War) due to the *Prince of Orange* as Lord High Admiral, or his other advantage of advancements by that War nor even of the vast Sums owing to the Proprietors and Interessed (in this humble Address) for Monies advanced and disbursed by their Ancestors towards the ordinary charge of the Crown, before the year 1640. Yet all these Memorials were not sufficient Motives to the Ministers of State, who kept the Kings Conscience and Treasure of the Nation (to be mindful of the Honour and Interest of the King and Kingdom) but suffered those *Patacoons* to be kept out of *England*, which ought to have gon towards satisfaction of the *Bona Esperanza* and *Henry Bona Adventura*, that have made such a sound in most parts of *Christendm*, and will still Eccho to the Heavens, untill Justice be done.

English Ships and Goods Condemned as Prize, in the several Admiralties of Holland, Zealand and Friesland, in the last War amounted unto the value of three Millions and half Sterling money.

XIV. That

XIV. That after several other Proprietors and persons Interested in diverse other Actions depending at Law for many years together, in the ordinary Courts of Judicature in *Holland* and *Zealand*, upon obligations, civil Contracts in Trade and Commerce, and Bills of Exchange, for several Sums of Money, amounting in all to 147028 l. Sterling, against *Jacob Pergens*, of *Amsterdam*, the Heirs and Executors of *Sir Jacob Cats*, *Sir Peter Courten*, *Peter Boudaen*, *David Goubard* and others, most of them being ready for Sentences and Determination; The States of *Holland* against all common Right, in the year 1676. sent their Express Orders to the Judges of the Inferior Courts in *Amsterdam*, the Provincial Courts of *Holland*, and Supreme Court of Judicature at the *Hague*, that they should refuse to do any manner of Justice therein, upon pretence that all the particular Actions of *Englishmen* were Extinguished and Discharged by the Treaties aforesaid, under the notion of Offences, Injuries Damages and Losses. A Precedent of that dangerous consequence (if permitted to pass under such forced Interpretations) that no *Englishman* can be safe in his Estate and Propertie, that Trusts any Mony or Goods into the Hands of *Hollanders* or *Zelanders*.

Wherefore we your most humble Appealants, having sought after relief in all other Courts and Councils, at home and abroad, without any Remedy or Effect, do most humbly pray, that our Rights and Properties may be ascertained and preserved by judgment of Parliament, and that some seasonable means may be used for their Redress and Reparations upon such several Recommendation of both Houses to his Majesty, as may be consistent with the Justice of Parliament and the merits of your most greivd and oppressed Appealants respective Causes.

*William Courten Esq; Grandchild
and Heir of Sir William Courten.*

*Thomas Kynaston Merchant. Sur-
viving Partner with Sir William
Courten.*

*Gilbert Crouch Gent. one of the Exe-
cutors and Assignee of Francis late
Earl of Shrewsbury.*

Sir Edward Graves Barronet.

Richard Harrison Esq;

Sir Thomas Wolstenholm Barronet.

*George Carew Esq; Administrator
of Sir Paul Pindar.*

*Elisabeth Whitaker, Executrix of
Charles Whitaker Esq;*

James Boeve Merchant.

*Bazilla Lloyd, Executrix of Sir Pe-
ter Vanlore.*

Mark Fletcher Merchant.

Sir Thomas Davis Kt.

Thomas Norton Merchant.

*Thomas Coppin Esq; on the behalf
of themselves, and the rest of the Pro-
prietors and persons Interested and
concerned.*

